

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MICHAEL J. LOFTUS,

Plaintiff,

v.

Civil Action No. 2:18-cv-01345

KANAWHA COUNTY SHERIFF'S DEPARTMENT;  
A. KEADLE; KANAWHA COUNTY DEPUTY SHERIFFS  
JOHN DOE NO. 1 and JOHN DOE NO. 2,  
IN THEIR INDIVIDUAL AND PROFESSIONAL  
CAPACITIES AS WELL AS UP TO THE COVERAGE  
OF THEIR INSURANCE POLICY,

Defendants.

MEMORANDUM OPINION AND ORDER

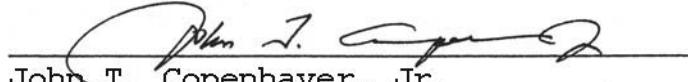
The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on November 6, 2019; and the magistrate judge having recommended that the court deny without prejudice the defendants' Motion to Dismiss for Failure to Prosecute (ECF No. 30) and the defendants' Motion for Summary Judgment (ECF No. 31), and that the court deny as moot the plaintiff's Motion for Extension of Time to Respond to the Defendants' Motions (ECF No. 34); and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings and recommendations made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that the defendants' Motion to Dismiss for Failure to Prosecute and Motion for Summary Judgment be, and they hereby are, denied without prejudice. It is also ORDERED that the plaintiff's Motion for Extension of Time to Respond to the Defendants' Motions be, and it hereby is, denied as moot.

Furthermore, it is ORDERED that this case remains as heretofore, referred to the magistrate judge.

The Clerk is directed to forward copies of this memorandum opinion and order to the plaintiff, to all counsel of record, and to the United States Magistrate Judge.

Enter: December 20, 2019



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John T. Copenhaver, Jr.  
Senior United States District Judge